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EXAMINER

RAMOS FELICIANO, ELISEO

ART UNIT PAPER NUMBER

2687

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/009,484

Applicant(s)

FABRI, ANDREAS

Examiner

Eliseo Ramos-Feliciano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claim 1** is objected to because of the following informalities: the claim begins with the preamble of an apparatus claim (“A facility ...”), however, the body of the claim appears to recite steps rather than means or elements of the apparatus. Appropriate correction is required.

Claim 1 objected to because of the following informalities: line two recites “means for selecting” , however, the last line of the claim recites “the selecting means”. One of them should be corrected for language consistency Appropriate correction is required.

2. **Claim 9** is objected to because of the following informalities: the claim begins with a preamble of a system claim (“A computer system ...”), however, the body of the claim appears to recite steps rather than means or elements of the system. Appropriate correction is required.

3. **Claim 15** is objected to because of the following informalities: the claim begins like a method claim (“A method ...”), however, the body of the claim does not contain active steps (such as --assigning-- instead of “has assigned). The claim is in narrative form. Appropriate correction is required.

4. *Examiner’s Remark*: The clean copy of claims 5, 8, and 17 in the preliminary amendment contain limitation(s) in brackets (“[”, “]”) that are considered to be deleted.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. **Claims 2 and 13** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The term "situated closest to a further preset point" in **claim 2** is a relative term which renders the claim indefinite. The term "situated closest to a further preset point" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The claim is ambiguous and makes reference to an object that is variable. See MPEP 2173.05(b).

8. **Claim 13** recites the limitation "the means of transport" in line 1. There is insufficient antecedent basis for this limitation in the claim. For examination on the merits the claim will be treated as if dependent on *claim 11*.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. **Claims 1-2, 5-21** are rejected under 35 U.S.C. 102(e) as being anticipated by Hollenberg (US Patent Number 6,091,956).

Regarding **claim 1**, Hollenberg discloses a facility (combination of elements 30c, 31c, 32f, 34c, 36c, 38c, and/or 39c – Figure 5) for selecting information units (Figure 12) for a mobile client computer (vehicle-located mobile situation information devices 19c, 19d in Figure 5 – column 18, line 21-22; also device depicted in Figures 6 and 11), comprising a server computer (for example, combination of 38c, 36c and 39c – Figure 5) having means for selecting information units by preset criteria (geographical location/coordinates in longitude and latitude; column 18, lines 40-41; column 22, lines 12-15), wherein

the preset criteria comprise geographical locational information in the form of a geographical longitude and latitude (explained above),

each information unit (code 29 – Figure 12) has geographical locational information (location 29c – Figure 12) in the form of a geographical longitude and latitude (column 22, lines 12-15) assigned to it, and

the locational information (code 29) and a geographical position for the client computer (user's location) (19c, 19d depicted in Figure 5; also Figure 6, and Figure 11), in the form of a geographical longitude and latitude, are input variables for the selecting means (column 22, lines 5-55; particularly lines 10-15, 36-42, *inter alia*).

Regarding **claim 2**, Hollenberg discloses everything claimed as applied above (see *claim 1*). In addition, Hollenberg discloses that the server computer (for example, combination of 38c,

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36c and 39c – Figure 5; column 18, line 47) has data structures (“user-provided filters and options” – column 19, line 8) for supporting a selection made from among preset points (“associated description” – column 18, line 62; for example, points 3n, 6s, 3p 3k, 3m, 3q in Figure 11) on a plane (map depicted in Figure 11) which are situated closest to a further preset point (“user’s position” – column 18, line 61); see column 18, line 57 to column 19, line 14.

Regarding **claim 5**, Hollenberg discloses everything claimed as applied above (see *claim 1*). In addition, Hollenberg discloses that the information units comprise images from web cameras (digital cameras). “For example, traffic congestion and emergency-situation information can be provided to approaching motorists and distant emergency decision makers, respectively, by those on the scene equipped with camera and communication capabilities. Digital photographs or video recordings of the scene could be quickly transmitted to those who evaluate emergency-situation information” – column 8, lines 9-24.

Regarding **claim 6**, Hollenberg discloses everything claimed as applied above (see *claim 1*). In addition, Hollenberg discloses that the information units can be transmitted to a client computer and contain instructions for showing (display) the information units on a display unit (depicted in Figures 6 and 11) belonging to the client computer (complete column 18, but especially lines 61-62; and column 21, lines 31-54).

Regarding **claim 7**, Hollenberg discloses everything claimed as applied above (see *claim 1*). In addition, Hollenberg discloses that the position used for the client computer is a current, past, or expected future position of the client computer. For example, current position (column 18, lines 57-62); as depicted in Figure 6, element 6j and Figure 11, element 6r.

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Regarding **claim 8**, Hollenberg discloses everything claimed as applied above (see *claim 1*). In addition, Hollenberg discloses that the information units comprise references to sources of information (“executably selectable menus or hypertext items” – column 22, line 61-65; see elements 6u, 6v, 6w – Figure 11).

Regarding **claim 9**, Hollenberg discloses a computer system (combination of elements 30c, 31c, 32f, 34c, 36c, 38c, and/or 39c – Figure 5) for selecting information units (Figure 12) for mobile client computers (vehicle-located mobile situation information devices 19c, 19d in Figure 5 – column 18, line 21-22; also device depicted in Figures 6 and 11), comprising a server computer (for example, combination of 38c, 36c and 39c – Figure 5) having means for selecting information units by preset criteria (geographical location/coordinates in longitude and latitude; column 18, lines 40-41; column 22, lines 12-15), and a client computer (19c, 19d in Figure 5; also depicted in Figures 6 and 11), wherein

the preset criteria comprise geographical locational information in the form of a geographical longitude and latitude (explained above),

each information unit (code 29 – Figure 12) has geographical locational information (location 29c – Figure 12) in the form of a geographical longitude and latitude (column 22, lines 12-15) assigned to it, and

the locational information (code 29) and a position for the client computer (user’s location) (19c, 19d depicted in Figure 5; also Figure 6, and Figure 11), in the form of a geographical longitude and latitude, can be used for the selection (column 22, lines 5-55; particularly lines 10-15, 36-42, *inter alia*).

Regarding **claim 10**, Hollenberg discloses everything claimed as applied above (see *claim 9*). In addition, Hollenberg discloses that the client computer has means for determining (GPS means) its geographical location (“the devices compute differentially corrected global positions” – column 55-56; column 3, line 10).

Regarding **claims 11-13**, Hollenberg discloses everything claimed as applied above (see *claim 9*). In addition, Hollenberg discloses that the client computer is fitted in a means of transport (“vehicles 19c and 19d” – column 17, line 32; Figure 5). The means of transport is a train, aircraft, motor car, boat, bicycle, airship, submarine or spacecraft. For example, a motor car (19c and 19d – Figure 5; or “green Toyota” – column 21, line 45; see also “aircraft, watercraft, etc.” – column 2, line 39). Also, the means of transport has a proxy computer (mobile situation device located in vehicles 19c and 19d is a mobile computer and can be characterized as a “proxy computer” as claimed – column 17, lines 31-32; column 5, lines 13-15).

Regarding **claim 14**, Hollenberg discloses everything claimed as applied above (see *claim 9*). In addition, Hollenberg discloses that the server computer and the client computer are connected together via a communications network comprising a wireless communications link (15d, 15e – Figure 5).

Regarding **claim 15**, Hollenberg discloses a method of selecting information units (e.g. code 29 – Figure 12) for a mobile client computers (vehicle-located mobile situation information devices 19c, 19d in Figure 5 – column 18, line 21-22; also device depicted in Figures 6 and 11), wherein each information unit has assigned to it geographical locational information in the form of a geographical longitude and latitude (geographical location/coordinates in longitude and latitude; column 18, lines 40-41; column 22, lines 12-15), and this geographical locational

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information and a position for the client computer (user's location) (19c, 19d depicted in Figure 5; also Figure 6, and Figure 11) in the form of a geographical longitude and latitude are used for the selection (column 22, lines 5-55; particularly lines 10-15, 36-42, *inter alia*). User's position and its associated description (information units) is transmitted to the user; see column 18, line 61-62.

Regarding **claim 16**, Hollenberg discloses everything claimed as applied above (see *claim 15*). In addition, Hollenberg discloses that the position used for the client computer is a current, past, or expected future position of the client computer. For example, current position (column 18, lines 57-62); as depicted in Figure 6, element 6j and Figure 11, element 6r.

Regarding **claim 17**, Hollenberg discloses everything claimed as applied above (see *claim 15*). In addition, Hollenberg discloses that the geographical locational information of each information unit (29 – Figure 12) assigns a physical position to the information unit (“user’s position” – column 18, line 61; 29c – Figure 12), and the selection determines a preset number of information units whose assigned position is closest to the position of the client computer (“associated description” – column 18, line 62; for example, points 3n, 6s, 3p 3k, 3m, 3q in Figure 11); see column 18, line 57 to column 19, line 14. For example, positions “close” or “closest” to 6r in Figure 11; column 22, lines 50-55.

Regarding **claim 18**, Hollenberg discloses everything claimed as applied above (see *claim 15*). In addition, Hollenberg discloses that the geographical locational information of each information unit (29 – Figure 12) assigns a physical position to the information unit (“user’s position” – column 18, line 61; 29c – Figure 12), and the selection determines a preset number of information units whose assigned position are within predetermined area surrounding the

position of the client computer (“associated description” – column 18, line 62; for example, points 3n, 6s, 3p 3k, 3m, 3q in Figure 11); see column 18, line 57 to column 19, line 14. For example, areas “ahead” 6r in Figure 11; column 22, lines 50-55.

Regarding **claim 19**, Hollenberg discloses everything claimed as applied above (see *claim 15*). In addition, Hollenberg discloses that the server computer determines categories of interest by interaction with a user, and restricts the selection to information units which belong to the categories of interest (column 23, lines 37-63). For example, by means of “user-provided filters and options”; column 19, line 8; column 24, lines 19-28.

Regarding **claim 20**, Hollenberg discloses everything claimed as applied above (see *claim 15*). In addition, Hollenberg discloses that the server computer transmits results of the selection to the client computer (column 23, lines 52-52) and the client computer shows the results on a display unit belonging to the client computer (4d – Figure 11).

Regarding **claim 21**, Hollenberg discloses everything claimed as applied above (see *claim 15*). In addition, Hollenberg discloses that the information units contain image data which is generated by web cameras (digital cameras). “For example, traffic congestion and emergency-situation information can be provided to approaching motorists and distant emergency decision makers, respectively, by those on the scene equipped with camera and communication capabilities. Digital photographs or video recordings of the scene could be quickly transmitted to those who evaluate emergency-situation information” – column 8, lines 9-24.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 3-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollenberg (US Patent Number 6,091,956) in view of the Admitted Prior Art (disclosed on page 8 of the present specification).

Regarding **claims 3-4**, Hollenberg discloses everything claimed as applied above (see *claim 1*). However, Hollenberg fails to specifically disclose that the data structure maps a Voronoi diagram, or a two-dimensional range tree, as defined by applicant.

In the same field of endeavor, the prior art admitted by applicant on page 8, lines 1-32 (simply referred as "the Admitted Prior Art" herein) discloses that well known Voronoi diagrams or two-dimensional range trees allow to find a region for a point (x,y) closest to given points.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply a Voronoi diagram, or a two-dimensional range tree analysis, in Hollenberg because these are well proven effective techniques that would allow to find with better accuracy a region for a point (x,y) closest to given points. In this case, that user's position/location with respect to desired locations as depicted in Figure 11 of Hollenberg.

Citation of Pertinent Prior Art

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Katou (US Patent Number 6,006,161), and

Kimoto et al. (US Patent Number 6,115,611) disclose pertinent location based information systems.

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Conclusion

14. Any inquiry concerning this communication from the examiner should be directed to Eliseo Ramos-Feliciano whose telephone number is 703-305-0078. The examiner can normally be reached from 8:00 a.m. to 5:30 p.m. on 5-4/9 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid, can be reached on (703) 306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ERF/erf
March 11, 2005


ELISEO RAMOS-FELICIANO
PATENT EXAMINER